

# Nadler: Marriage Amendment is an Unconstitutional Assault on Families

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WASHINGTON, D.C. — The House of Representatives is considering H.J.Res. 88, a Constitutional amendment banning same-sex marriages. The Senate has already rejected the amendment, making it clear that the Republican House leadership's intention in bringing up the bill is solely to score political points with the far right wing. The House is poised to reject the measure this afternoon.

Congressman Jerrold Nadler's remarks in opposition to the amendment follow as prepared.

"Mr. Speaker, I rise today in support of marriage, in support of families, and in support of national unity. I rise against this proposed Constitutional amendment and against the drumbeat of election-year political demagoguery.

This amendment doesn't belong in our Constitution. It is unworthy of our great nation. The Senate couldn't even muster a simple majority to consider it, much less the requisite two-thirds to adopt it.

We have amended the Constitution only 27 times in our history. Constitutional amendments have been used to enhance and expand the rights of citizens, not take them away.

The Constitution was amended to add the Bill of Rights, protecting freedom of religion, freedom of speech, freedom of assembly, the right to be secure in our homes—ten amendments protecting individual rights and liberties.

We amended the Constitution to permanently wipe away the stain of slavery, to expand the right to vote, to expand the rights of citizenship and to allow for the direct election of senators.

Now we are being asked to amend the Constitution again, to single out one group and say, permanently, you cannot even attempt to win the right to marry.

This amendment was introduced last month. We have never had hearings on it. The Judiciary Committee has never considered it. Never. Don't let anyone tell you we did it in 2003. That was a different amendment.

But what's the Constitution between friends when there is an election coming up?

From what, precisely, would this amendment protect marriage? From divorce? From adultery?

No. Evidently, the threat to marriage is the fact that there are millions of people in this country who very much believe in marriage, who very much want to marry, but who may not marry.

This amendment doesn't just block courts from allowing people of the same sex to marry. It would also prevent

their fellow citizens from deciding democratically to permit them to do so.

I've been searching in vain for some indication of what might happen to my marriage, or to the marriage of anyone in this room, if loving couples, including couples with children, are permitted to enjoy the blessings of matrimony.

If there is a member of this House who believes that his or her own marriage would be destroyed by a same-sex marriage somewhere in America, I'd welcome an explanation as to what you think would happen to your marriage and why.

Anyone?

The overheated rhetoric we have been hearing is reminiscent of the bellicose fear-mongering that followed the Supreme Court's decision in *Loving v. Virginia*, which struck down state prohibitions against interracial marriage. They said the Supreme Court had overstepped its authority; the Supreme Court had overridden the democratic will of the majority; the Supreme Court had signed the death warrant for all that was good and pure in the nation.

Fortunately, we survived as a nation, and we are better for it.

In the not-too-distant future, people will look back on these debates with the same incredulity with which we now view the segregationist debates of years past.

This amendment actually does more than it purports to do. It would preempt any state law allowing people of the same gender to marry, even if that law was approved by the legislature, or by referendum. Read the first sentence. Any such marriage would be unconstitutional.

Proponents of this amendment have already tried to use a similar prohibition against same-sex marriage to attack domestic partner benefits in courts. So when they tell you this is only about marriage, don't believe it.

No court has required that a marriage in one state be recognized in another, so don't believe anyone who tells you that this is to protect your own state laws.

There are many loving families who deserve the benefits and protections of the law. They don't just live in New York, or San Francisco or Boston. They live in every one of the 435 congressional districts of the United States.

They are not from outer space; they are not a public menace; and they don't threaten anyone. They are our neighbors, our co-workers, our friends, our siblings, our parents, and children. They deserve to be treated fairly. They deserve to have the same rights as every other family.

I regret that this House has been so demeaned by this debate. It saddens me that this great institution would sink to these depths, even on the eve of an election. We know this is not going anywhere. We know that it is merely a political exercise. Shame on this House for playing politics with bigotry.

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